

REMARKS

In view of both the amendments presented above and the following discussion, the Applicants submit that the application is now in condition for allowance.

If, however, the Examiner believes that there are any unresolved issues in the application, the Examiner should telephone Mr. Peter L. Michaelson, Esq. at (732) 530-6671 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Allowed Claims

The Examiner indicated that the application, as filed, presented 64 claims for examination, all of which are now allowed.

The application, as filed, actually contained 65 claims (numbered 1-65). Hence, the Applicants assume that the Examiner intended to allow all 65 claims with the designation of 64 claims merely resulting from a typographical error.

As such, the Applicants request that the Examiner, in the next communication to the Applicants, suitably indicate that all 65 claims are allowed.

Oath/Declaration

The Examiner indicated that the oath/declaration is missing and hence requested that the Applicants submit a

Appl. No. 09/741,636
Amdt. Dated April 1, 2004
Reply to Office Action of March 19, 2004

copy. The Examiner also requested that the Applicants submit a copy of pages 142-162 of the application.

The Applicants, at the prior request of Examiner Eng, have previously submitted on March 5, 2004 copies of the declaration, various references that have been previously submitted and the entire application, as filed, in order to assist the Office in reconstructing its file -- which presumably the Office either lost or misplaced.

In response to the Examiner's present request, the Applicants have enclosed another copy of the declaration, and pages 142-162 of the application, as filed. The Examiner is welcome to contact the undersigned in case he needs any further copies of any materials in the file which the Applicants have previously submitted to the Office.

Drawings

The Examiner has objected to the Applicants' drawings, as filed, due to various informalities.

First, the Examiner notes that reference numeral "50" is missing from FIG. 1. In response, the Applicants have amended page 7, line 11 of their specification to refer to reference numeral 49 which appears in FIG. 1, as filed.

Second, as to FIG. 2, the Examiner notes that numeral labels are needed for conveying adequate information to allow one to understand what is being depicted "without direct reference to the disclosure". As stated on, e.g.,

page 4, line 17 and page 18, line 4, FIG. 2 depicts an 8-point G.992.2 constellation. The Applicants fail to see how adding any reference numerals to specifically designate the separate constellation points would add any clarity to the figure. However, the blocks in this figure were inadvertently shown as shaded with, unfortunately, the shading apparently acting to partially obscure the discrete values, shown in the figure, of the separate points in the constellation. Hence, the Applicants propose to correct this figure by eliminating the shading, hence, clearly showing the values of the constellation points.

Lastly, as to FIGs. 7A-7C, the Examiner also notes that the numerical labels do not convey adequate information to allow "understanding of what is depicted without direct reference to the disclosure". The Examiner states that "illegible information seems to be part of the black boxes." Here too, various blocks in each of these figures, as filed, inadvertently contained shading which may have partially obscured the legends in those blocks. As with FIG. 2, the Applicants propose to correct all these figures by eliminating the shading. No new matter has been added to FIG. 2 or FIGs. 7A-7C.

Accordingly, the Applicants have enclosed suitably corrected drawing sheets for FIGs. 2 and 7A-7C and now solicit the Examiner's approval of their changes.

The Applicants will submit suitable formal drawings, including all these corrections, in due course.

Appl. No. 09/741,636
Amdt. Dated April 1, 2004
Reply to Office Action of March 19, 2004

Specification amendment

The Examiner has objected to the Applicants' specification inasmuch as it failed to describe reference numeral 49 shown in FIG. 1.

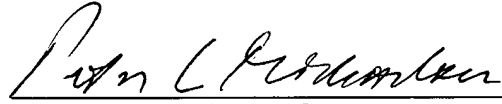
The specification has now been amended at page 7, line 11 to refer to numeral 49, which is shown in FIG. 1, rather than numeral 50 which is not.

Conclusion

Thus, the Applicants submit that the application is now in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

Respectfully submitted,

April 1, 2004


Peter L. Michaelson, Attorney
Reg. No. 30,090
Customer No. 007265
(732) 530-6671

MICHAELSON & ASSOCIATES
Counselors at Law
Parkway 109 Office Center
328 Newman Springs Road
P.O. Box 8489
Red Bank, New Jersey 07701

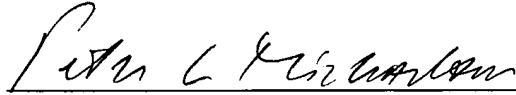
Appl. No. 09/741,636

Amdt. Dated April 1, 2004

Reply to Office Action of March 19, 2004

CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited on April 2, 2004 with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to the Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Signature

30,090
Reg. No.